

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MARTIN TROTT and CHRISTOPHER SMITH,
as Joint Official Liquidators and Foreign
Representatives of PLATINUM PARTNERS
VALUE ARBITRAGE FUND L.P. (in OFFICIAL
LIQUIDATION), *et ano.*,

Plaintiffs,

v.

PLATINUM MANAGEMENT (NY) LLC, *et al.*,

Defendants.

Case No.: 1:18-cv-10936-JSR

**STATEMENT OF DEFENDANT MICHAEL KATZ
REGARDING INITIAL CONFERENCE**

Defendant Michael Katz, by his counsel Thompson & Knight LLP, respectfully submits the following statement in advance of the December 19, 2018 Initial Conference in this action:

1. Plaintiffs have not yet served Katz with process pursuant to Rule 4(c) of the Federal Rules of Civil Procedure, and have not invited Katz to waive service pursuant to Rule 4(d).
2. Katz intends to promptly file a motion to dismiss pursuant to Rule 12(b)(6).
3. Katz does not object to plaintiffs' request that the Court synchronize motion practice and allow plaintiffs to file an omnibus response to any motions filed by defendants; provided, however, that plaintiffs serve all defendants promptly, and that discovery be stayed while motions to dismiss are pending before the Court. *See* Plaintiff's Statement In Regard To Initial Conference [ECF No. 21], ¶¶ 14-15.
4. To the extent plaintiffs insist on taking early discovery or are unable to serve all defendants promptly, Katz opposes synchronized motion practice and submits that the Court

should allow him to file his motion to dismiss expeditiously without being subject to delays associated with other parties.

5. Katz awaits plaintiffs' position regarding discovery and dispositive motion deadlines, and is prepared to meet and confer with all counsel in the case regarding a case management plan.

6. Katz reserves the right to assert a jury demand if he is required to file an answer.

Dated: December 18, 2018
New York, New York

Respectfully submitted,

THOMPSON & KNIGHT LLP

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